

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101  
Prepared by: Christopher M. Gratz, Planner II

**SUBJECT:** Quasi Judicial Hearing: Special Permit, SE 3-1-05, Glenna Waggoner/Horse Gate Equestrian Center/ Alpha Baptist Church, 5235 SW 82 Avenue, Generally located 0.7 miles north of Stirling Road between SW 82 Avenue and Pine Island Road.

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:** SE 3-1-05 Horse Gate Equestrian Center (CF)

**REPORT IN BRIEF:** A special permit to allow a non-profit organization that counsels at-risk youth in the state foster care system to utilize a site zoned CF, Community Facilities has been requested. The special permit is required because the organization uses equestrian activities for recreational events, and the Land Development Code allows unique and unanticipated uses that are exceptional and may have effects on the surrounding environment that cannot be determined in advance of the use being proposed for a particular location to be reviewed as a special permit.

The proposed improvements to the parcel include the removal of invasive exotic vegetation in order to establish a pasture, riding area and paddocks, and the construction of a horse barn. Access is from SW 82 Avenue through the driveway of the existing single family dwelling that is leased out by the owners. The property owners are a small church congregation and are unable to develop the site at the present time with a freestanding house of worship, but wish to retain the CF, Community Facilities District zoning classification.

The intent of a special permit application is for Town Council to review uses that are exceptional and may have effects on the surrounding environment that cannot be determined in advance of the use being proposed for a particular location. An equestrian center can be a compatible use on the site provided that it is designed and maintained in a manner that does not cause a nuisance for the adjacent property owners. The visual impact of an equestrian center can be considered positive since this use is consistent with the semi-rural character of the Town.

In order for this use to be compatible the following must occur:

- Stables must be setback 50 feet from all property lines
- Berms for storm water control must be created
- Animal waste must be disposed of properly

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the May 11, 2005, Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Vice-Chair Turin, to approve with the stipulation for the setbacks and subject to all the recommendations from staff. (Motion carried 5-0)

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachment(s):** Planning Report

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning and Zoning Division**  
*Staff Report and Recommendation*

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**Applicant Information**

**Owner:**

**Name:** Alpha Baptist Church  
**Address:** 6301 Fillmore Street  
**City:** Hollywood, FL 33024  
**Phone:** (954) 981-8419

**Lessee:**

**Name:** Glenna Waggoner, Executive Director  
Horse Gate Equestrian Center, Inc.  
**Address:** P.O. Box 292696  
**City:** Davie, FL 33329  
**Phone:** (954) 915-8719

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**Background Information**

**Planning and Zoning**

**Board Recommendation:** Approval was recommended at the May 11, 2005, meeting.

**Date of Notification:** May 4, 2005      **Number of Notifications:** 28

**Application History:** No deferrals have been requested.

**Application Request:** Special Permit pursuant to Land Development Code §12-35 Special Uses, which allows unique and unanticipated uses to be reviewed as a Special Permit.

**Address/Location:** 5235 SW 82 Avenue/Generally located 0.7 miles north of Stirling Road between SW 82 Avenue and Pine Island Road.

**Future Land Use**

**Plan Map Designation:** CF, Community Facility

**Zoning:** CF, Community Facilities District

**Existing Use:** Single family dwelling/overgrown vacant land

**Proposed Use:** Single family dwelling/Equestrian Center

**Net Parcel Size:** 4.68 acres (203,727 square feet)

	<u><b>Surrounding Uses:</b></u>	<u><b>Surrounding Land Use Plan Map Designations:</b></u>
<b>North:</b>	Pine Island Estates (development imminent)	Residential (3 DU/AC)
<b>South:</b>	Agricultural, Single family dwellings	Residential (3 DU/AC)
<b>East:</b>	Single family dwellings	Residential (3 DU/AC)
<b>West:</b>	Pine Island Road	Residential (3 DU/AC)

	<u><b>Surrounding Zoning:</b></u>
<b>North:</b>	R-3, Low Density Dwelling District
<b>South:</b>	A-1, Agricultural District & CF, Community Facilities District
<b>East:</b>	A-1, Agricultural District
<b>West:</b>	R-1A, within the municipal boundaries of Cooper City

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## **Zoning History**

**Land Use Plan Amendment:** The small scale land use plan amendment, LABC (SS) 99-4A, changing the Future Land Use Plan Map designation from R-3, Residential (3 DU/AC) to CF, Community Facilities, was approved on August 4, 1999.

**Zoning:** The rezoning, ZB 7-1-99 Davie Builders, was approved on September 1, 1999, changing 19.8 acres from A-1, Agricultural District and CF, Community Facilities to R-5, Low Medium Density Dwelling District, A-1, Agricultural District and CF, Community Facilities. In conjunction with the rezoning applications, the petitioner requested the assignment of 18 reserve units to the Future Residential property and had voluntarily committed the future residential property to a restrictive covenant that limited the future residential property to a density of 81 residential units.

**Related Zoning:** The rezoning, ZB 4-1-00 Davie Builders, changing 3.1 acres from A-1, Agricultural District to CF, Community Facilities, was approved on September 1, 1999.

The rezoning, ZB 5-1-03 Zarbafi Estates, changing 9.34 acres from R-5, Low Medium Dwelling District to R-3, Low Density Dwelling District, was approved on October 1, 2003.

**Variance:** The variance, V 7-1-99 Davie Builders, reducing the distance separation between freestanding houses of worship, was approved on September 1, 1999.

The variance, V 4-2-00 Davie Builders, reducing the distance separation between freestanding houses of worship, was approved on June 7, 2000.

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## **Applicable Codes and Ordinances**

§12-308 of the Land Development Code, review for special permits.

§12-35 of the Land Development Code. Special uses are those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. A request for such use shall take the form of an application for special permit, processed in accordance with the regulations contained in Article X.

§12-83 of the Land Development Code, Conventional Nonresidential Development Standards, CF, Community Facilities District, requires the following minimums: lot area of 43,560 square feet, 100' frontage, 25' side and rear yards, 30 percent open space, and 35' maximum building height.

§12-34(B) (1) Animals: That portion of any structure containing not more than three (3) stalls a maximum of twelve (12) feet by twelve (12) feet, a tack room, and feed room, used for housing or feeding livestock shall be at least forty (40) feet from any other property under separate ownership, from any public road right-of-way or any existing structure. For each additional stall not to exceed twelve (12) feet by twelve (12) feet, an additional ten (10) foot setback shall be required, to a maximum setback of one hundred (100) feet. This requirement shall not apply to non-residential farm buildings or structures on farms used for agricultural purpose on a plot larger than five (5) acres in size. **On any farm less than five (5) acres in size, any farm building or structure on a portion of a plot occupied by a farm shall either be located not less than fifty (50) feet from any lot line, or shall have buffer consisting of an opaque fence, hedge or berm to a minimum height of six (6) feet.**

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## Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 102.

**Applicable Goals, Objectives & Policies:** *Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

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## Application Details

A special permit to allow a non-profit organization that counsels at-risk youth in the state foster care system to utilize a site zoned CF, Community Facilities has been requested. The special permit is required because the organization uses equestrian activities for recreational events, and the Land Development Code allows unique and unanticipated uses that are exceptional and may have effects on the surrounding environment that cannot be determined

in advance of the use being proposed for a particular location to be reviewed as a special permit.

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## Staff Analysis

The proposed improvements to the parcel include the removal of invasive exotic vegetation in order to establish a pasture, riding area and paddocks, and the construction of a horse barn. Access is from SW 82 Avenue through the driveway of the existing single family dwelling that is leased out by the owners. The property owners are a small church congregation and are unable to develop the site at the present time with a freestanding house of worship, but wish to retain the CF, Community Facilities District zoning classification.

The intent of a special permit application is for Town Council to review uses that are exceptional and may have effects on the surrounding environment that cannot be determined in advance of the use being proposed for a particular location. An equestrian center can be a compatible use on the site provided that it is designed and maintained in a manner that does not cause a nuisance for the adjacent property owners. The visual impact of an equestrian center can be considered positive since this use is consistent with the semi-rural character of the Town.

In order for this use to be compatible the following must occur:

- Stables must be setback 50 feet from all property lines
- Berms for storm water control must be created
- Animal waste must be disposed of properly

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## Findings of Fact

### **Review for Special Permits:**

#### **Section 12-308(A) (1) (a):**

**The following findings of facts apply to the special permit request:**

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

*The proposed equestrian center is a civic use, and civic uses are permitted on parcels with the Community Facility Future Land Use Plan Map designation.*

- (ii) The proposed change may not create an unrelated an incompatible use;

*The proposed equestrian center can be compatible with the use on the surrounding properties if the following occurs: stables are built with adequate setbacks, berms are created to control storm water, and animal waste is disposed of properly.*

- (iii) The proposed change may not adversely affect living conditions in the neighborhood or the town;

*The proposed equestrian center may not adversely impact the living conditions in the neighborhood or in the town if the aforementioned measures are taken to address compatibility.*

- (iv) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

*The traffic that will be generated by an equestrian center will be less than what can be generated by a CF, Community Facilities use.*

- (v) The proposed change will not adversely affect surrounding property values;

*The proposed equestrian center will not have an adverse impact on surrounding property values if the recommended measures are taken to address compatibility.*

- (vi) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

*The proposed equestrian center will not deter any of the surrounding property owners from developing or improving their properties, as the surrounding properties will not be negatively impacted by the use if the recommended measures to address compatibility are taken.*

- (vii) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

*This request is a use that may be permitted if it is determined by the Town Council to be compatible with the surrounding uses.*

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### **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions must be met in order for the use to be compatible with the surrounding properties:

1. Stables are located a minimum of 50' from all property lines.
2. Provide an adequate assurance that animal waste will be disposed of properly.
3. Obtain a Clearing and Grubbing Permit to allow the removal of invasive exotic vegetation.
4. Obtain approval from the Central Broward Water Control District for the creation of berms to control storm water.
5. Obtain a Site Development Permit to allow the creation of berms to control storm water.

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## **Planning and Zoning Board Recommendation**

At the May 11, 2005, Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Vice-Chair Turin, to approve with the stipulation for the setbacks and subject to all the recommendations from staff. (Motion carried 5-0)

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## **Town Council Action**

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### **Exhibits**

1. Justification
2. Future Land Use Plan Map
3. Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_





March 10, 2005

Town of Davie  
6591 Orange Drive  
Davie, FL 33314

Re: Letter of Justification

To Whom It May Concern:

It is our desire to be considered a Farm. According to the Criteria for Farms in the Davie Farmers Guide, we qualify. On page 3 of the Farmers Guide, we qualify as follows:

- a. The general purpose... protect farms for the demands of sprawling urban development.  
We qualify here.
- b. The applicant can demonstrate...farm products.. Section 12-503.  
If you look at Chapter 12, Section 12-503 on page 2 of the Farmers Guide. In the Farm Product section, there is a mention of thoroughbreds and pleasure horses. Additionally, on this page in the Livestock section, there is another mention of horses.
- c. The proportion of gross acreage... used for agriculture purposes.  
We are going to have access to all but one half of an acre, where the home is located.
- d. Whether the parcel... comparable to similar farms.  
The majority of our neighbors have horses and barns.
- e. Whether a schedule F ...  
This has not been done.
- f. The length of time the land used for agriculture ...  
We are new and have not achieved any significant time of operation to benefit us.
- g. The amount of time, effort, capitalization... invested in the agriculture.  
The investment of a barn, fencing, training arenas and pastures will be significant.
- h. Membership or involvement in associations....  
We are a member of American Quarter Horse Association and have registered AQHA brood mares.

[www.Horsegate.org](http://www.Horsegate.org)


We do not meet the requirements under e and f of the above criteria. However, the Farmers Guide does not require all of the criteria be met. It states that "the applicant is required to meet a sufficient number of the criteria."

Additionally, where we currently keep our horses was approved by South West Ranches as a farm. It is my understanding that Davie will allow us some time to get our facility built and going before they will come out and do their inspection.

Enclosed you will find the Special Permit Application, please accept these documents for setting this for Site Planning Committee hearing.

I appreciate your efforts in this matter.

Sincerely,

  
Glenna Waggoner  
Executive Director





*"Hippo" is the Greek word meaning horse.*

Hypotherapy is a type of riding children can overcome fears and conquer challenges in the riding arena and increase their self-esteem and self-worth. Because the horse is such a positive motivator, a single lesson can cause a rider to work on memorization, follow directions and maintain focus. Recreational riding can encourage healthy social behavior and creativity. Lessons are made up of two or more students and counselor which enables the rider to interact with different people throughout the course of his/her ride. Riders must behave in an acceptable manner in order to participate in equine activities. The motivation to ride is usually enough to maintain this level of behavior.

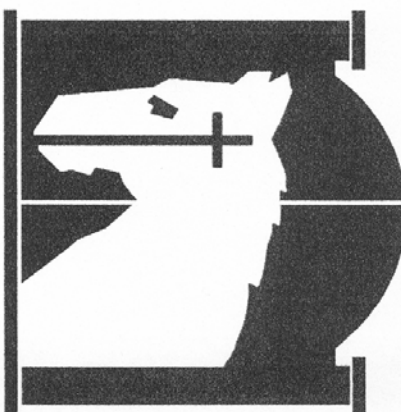
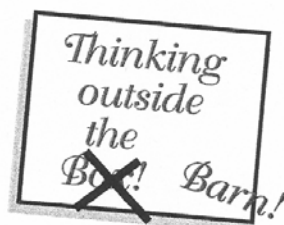


*Like a horse in open country,  
they did not stumble... they  
found hope.*

P.O. Box 292696  
Davie, FL 33329

Phone: 954-915-8719  
Fax: 954-252-0442

[Horsegate.org](http://Horsegate.org)



*Horse Gate*  
Equestrian Center

Creating an equestrian  
environment where  
hope is communicated  
through mind, spirit,  
heart and body.

Over five-thousand children of various ages currently reside in some form of foster care in Broward and Miami-Dade Counties. Most of these children have been removed from their parents' home because of abuse and neglect. Others have faced abandonment, illness and death in their families.



Because of these circumstances, many foster kids develop feelings of insecurity and dejection while facing long periods of time awaiting adoption or other permanent arrangement.



*Horse Gate Equestrian Center* was created to offer this special group of children in need a caring, structured environment where hope and love can be shared through horses.

Some of Horse Gate horses come from the largest horse rescue operation in South Florida, the SPCA. Many of these horses have suffered from abuse and neglect.



We offer these noble creatures a caring, secure environment that accelerates their recovery to health. Afterwards, horses are trained and paired with children, who learn to care for and experience unconditional love that these animals can provide.



Horse Gate Equestrian Center depends on your donation to continue to provide outreach to children in need of love, companionship and direction. Horse Gate is a 501(c)(3) corporation and all donations are tax-deductible to the extent allowed by law.



Horse Gate Equestrian Center depend on financial gifts, tack, supplies and riding accessories donation to allow the children to participate in our program.



Volunteers at Horse Gate encourage the development of healthy relationships between rescued children and horses in a secure and peaceful environment. We teach the children, families and volunteers how to find hope and help with their mental, physical, emotional and spiritual needs.

Horse Gate offers opportunities for children, teenagers and adults to volunteer in activities that encourage growth and leadership. Some of these opportunities include but are not limited to:

- *Crafts*
- *Equine instruction*
- *Horse care*
- *Horsemanship*
- *Mentoring children*
- *Participation in local parades*
- *Music*
- *Sports*
- *Stable help*





*Horse Gate*  
Equestrian Center

P.O. Box 292696  
Davie, Florida 33329

(954) 915-8719  
Fax (954) 252-0442

## HISTORY OF ORGANIZATION

**Horse Gate Equestrian Center** is a new, non-profit organization based in Davie, Florida. The goal of this organization is to share God's love through equestrian activities to at-risk children in need. Located in Broward County, Florida, the town of Davie is well known for national rodeo events and for its numerous equestrian parks and facilities. The love of horses and the great needs of at-risk youth in the state foster care system fuel the dream of **Horse Gate Equestrian Center**.

**The Horse Gate** concept was created in June 2004 after Glenna Waggoner suffered a near fatal accident involving her horse. During her recovery, she was inspired to create an organization where she could offer her vast knowledge and background experience with horses to at-risk children while reaching out to the community. Recognizing the great need for recreational events for at-risk youth in the South Florida foster care system, Glenna realized that horses could fill the needs of these children by enabling them to experience the commitment and unconditional love that comes from working with animals.

The program has adopted donated horses. These horses come from neglected and abusive backgrounds. After they are rehabilitated by lots of love and retraining, they are offered to our children to foster responsibility, duty and, of course, fun. **Horse Gate** will be hosting events such as blue grass concerts, day camps, riding lessons, and rodeos all in a family centered setting.

At this time volunteers and board member are pledged and committed to the caring and feeding of **Horse Gate** horses through personal funds and private donations.

[www.Horsegate.org](http://www.Horsegate.org)



**Horse Gate**  
Equestrian Center

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## MEMBERS OF THE BOARD



Glenna Waggoner is the Executive Director. Glenna possesses a deep love for children and desires to meet the needs of at-risk youth in the South Florida community. She has lived around horses for 29 years and was a champion barrel racer in high school. Glenna suffered a near fatal accident in June 2004. Her recovery time gave her an opportunity to contemplate how she could intertwine her love of children and horses to better serve the South Florida community. Glenna is an active member of New Life Baptist Church in Davie, Florida. She is the owner/ manager of an accounting business in Davie and is licensed as a Medical Records Director.



Rudy Morel, M.D., J.D. is President of the Board. He is an active member of New Life Baptist Church in Davie, Florida along with his wife and three school age children. Rudy is a product of Broward County, Florida and grew up around horses. Rudy brings a varied background in Law and Medicine that will contribute to the needs of Horse Gate. He served as Assistant County Attorney for Miami-Dade County and the Public Health Trust for eight years and currently owns and operates a licensed Home Health Agency. He possesses a keen interest in serving the needs of the community and has worked with at-risk children in the past.



David Ogg is Vice-President of the Board. He is the owner of a property management group in Broward County, Florida. David, his wife, and two children are active members of Flamingo Road Church in Cooper City, Florida. He serves as a Volunteer Deacon Pastor, and has served on the church's Mission Council. He was Chairman of the Board for Youth for Christ in the Fort Lauderdale, Florida area and has worked through another ministry with the State's Juvenile Detention Program. His family owns and manages Larry Baldwin Quarter Horses of Texas (formerly in West Palm Beach, Florida). David has grown up around champion horses.



Ronald Waggoner is a volunteer member of the Board. He is married to Glenna Waggoner and they have 4 adult children. Ronnie has been a in construction for 24 years. He is an active

member of New Life Baptist Church in Davie, Florida and has worked with Youth Ministries. Ronnie knows the difficulties of youth and family, as he raised 2 boys as a single parent. Ronnie's grandparents founded The Everglades Appaloosa Horse Club in South Florida.



Donna Pellow is a volunteer Board member. Donna is an active member of New Life Baptist Church in Davie, Florida. She is a single parent with three teenage children. As the product of an abusive home, she has experienced the trials of living in shelters when attempting to leave her own abusive relationship. Donna is a licensed physical therapist.



Sarah Scott is a volunteer Board member. She is the "stay-at-home" mom of an 18 month old. She and her husband are active members of New Life Baptist Church in Davie, Florida. Sarah grew up in western Oklahoma on a 2200-acre farm with various livestock including horses. She has been active in equestrian/rodeo events since the age of 2 years.



*Horse Gate*  
Equestrian Center

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## OUR HORSES



Bugsy is a four year-old Quarter Horse mare used in the ministry. Her previous owner no longer had the means to care for her when Glenna Waggoner, the Executive Director of Horse Gate, purchased her in January 2004..



Pappy is a ten year-old Appaloosa gelding who was adopted in November, 2004. He as purchased in Alabama by a local business, which wishes to remain anonymous. He needs a buddy to ride and exercise him, as well as a sponsor . He loves the children and is very gentle.



Pepper is a fourteen year-old registered Quarter Horse mare. Lori and Luther Godowns of Georgia donated her in November 2004. They were down sizing and desired to donate Pepper to help the youth of South Florida. Sarah Scott sponsors Pepper.

[www.Horsegate.org](http://www.Horsegate.org)





Tye is a twenty-five year-old Arabian gelding. The S.P.C.A. found him wondering the streets of Hialeah. At that time, he was severely undernourished and had several health problems. Horse Gate adopted him in September, 2004. He is now in good health and is quite gentle with the children. Rudy Morel, President of the Board of Directors, sponsors Tye.

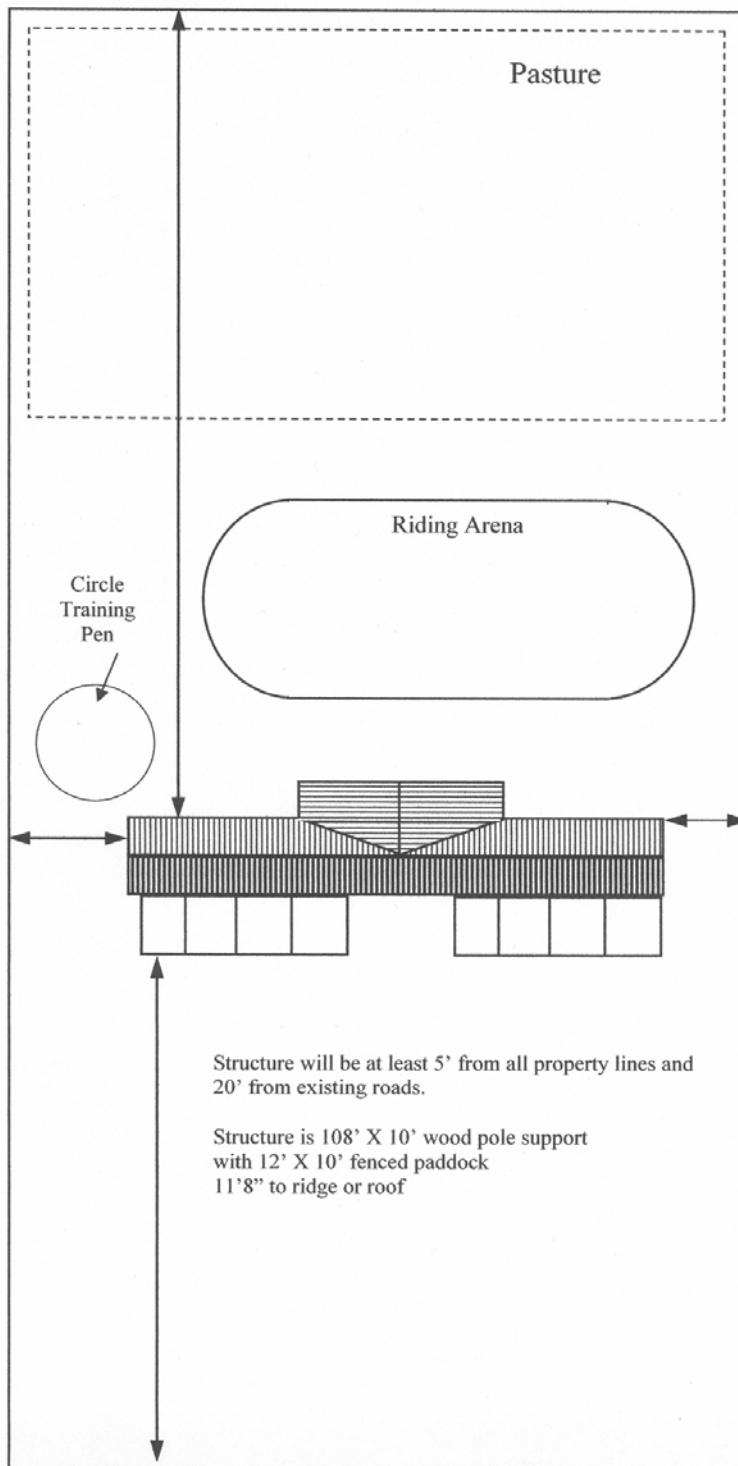


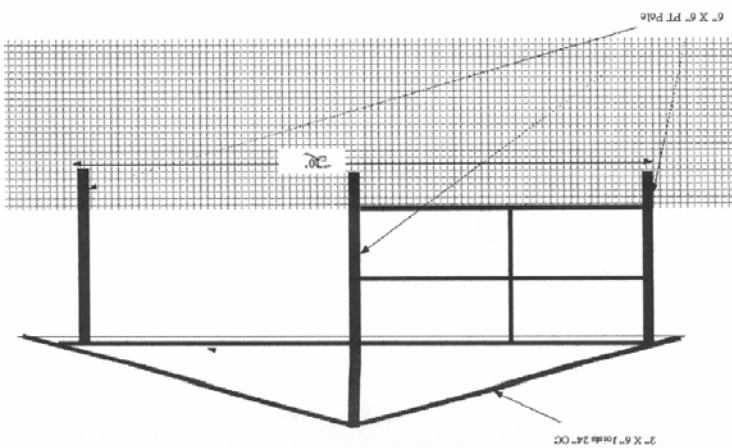
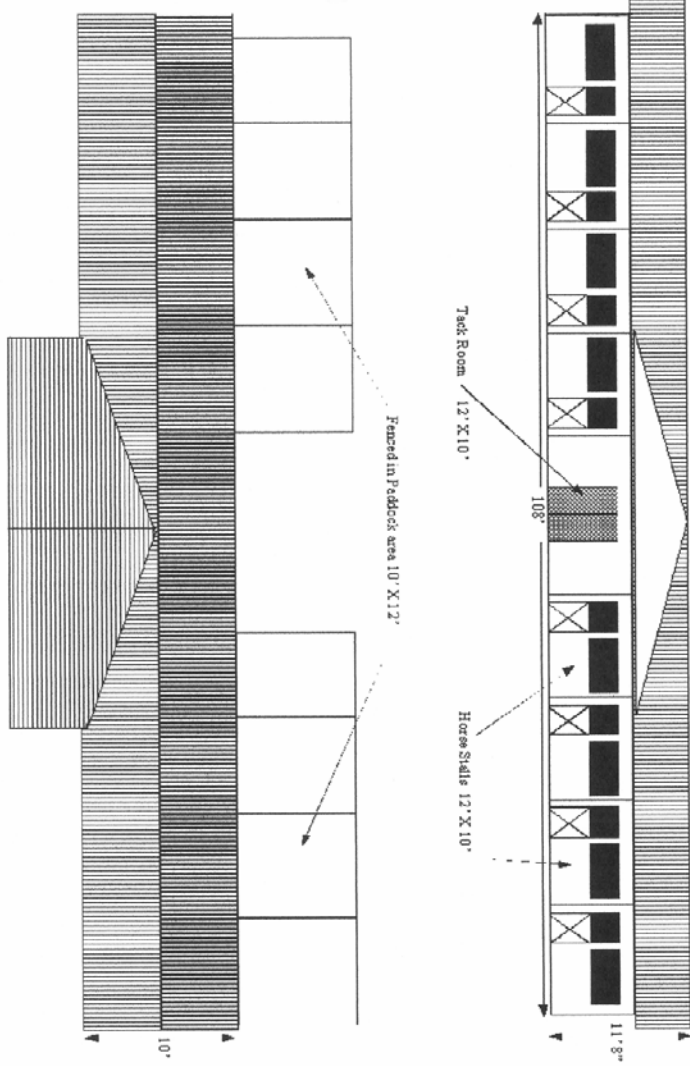
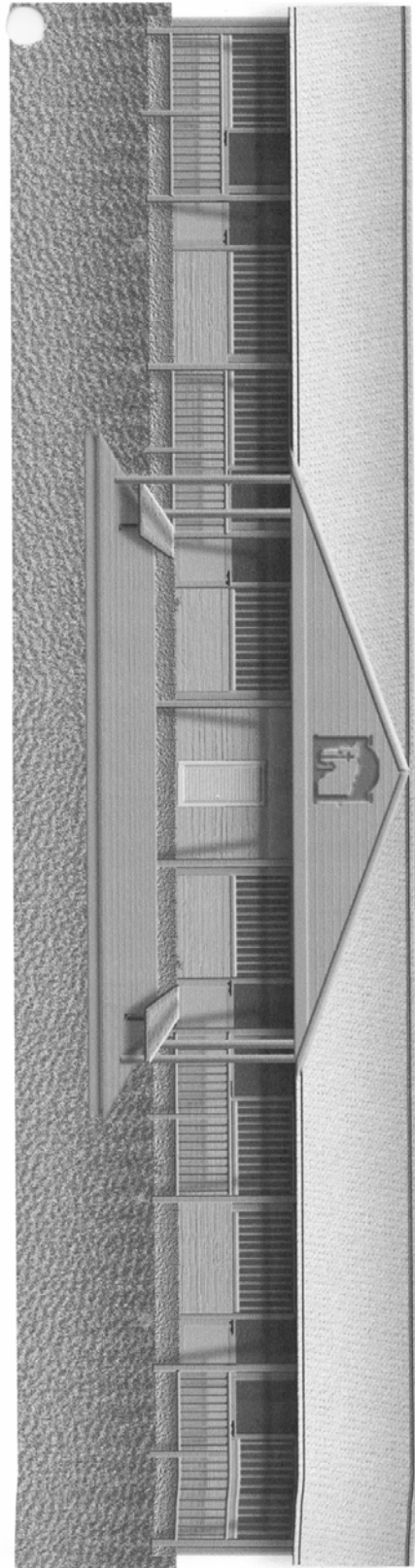
Tootsie Roll is a twelve year-old miniature gelding. He was taken from his owner by the S.P.C.A. due to charges of neglect. Horse Gate adopted him in September 2004. He is 30 inches tall, loves to be hugged and is very gentle with small children. Tony and Carol Nance of Oklahoma sponsors Tootsie Roll.



Warrior is a seventeen year-old gelding donated to Horse Gate in December 2004 by Jennifer Maguffey of Davie, Florida. He has been a wonderful horse and friend to Jennifer's daughter. Regretfully, Jennifer needed to find him a new home, due to financial constraints and was happy to allow Warrior the opportunity to help the troubled children of our community. He is gentle, affectionate, and blind in his right eye. However, he is looking for a sponsor with his good eye.

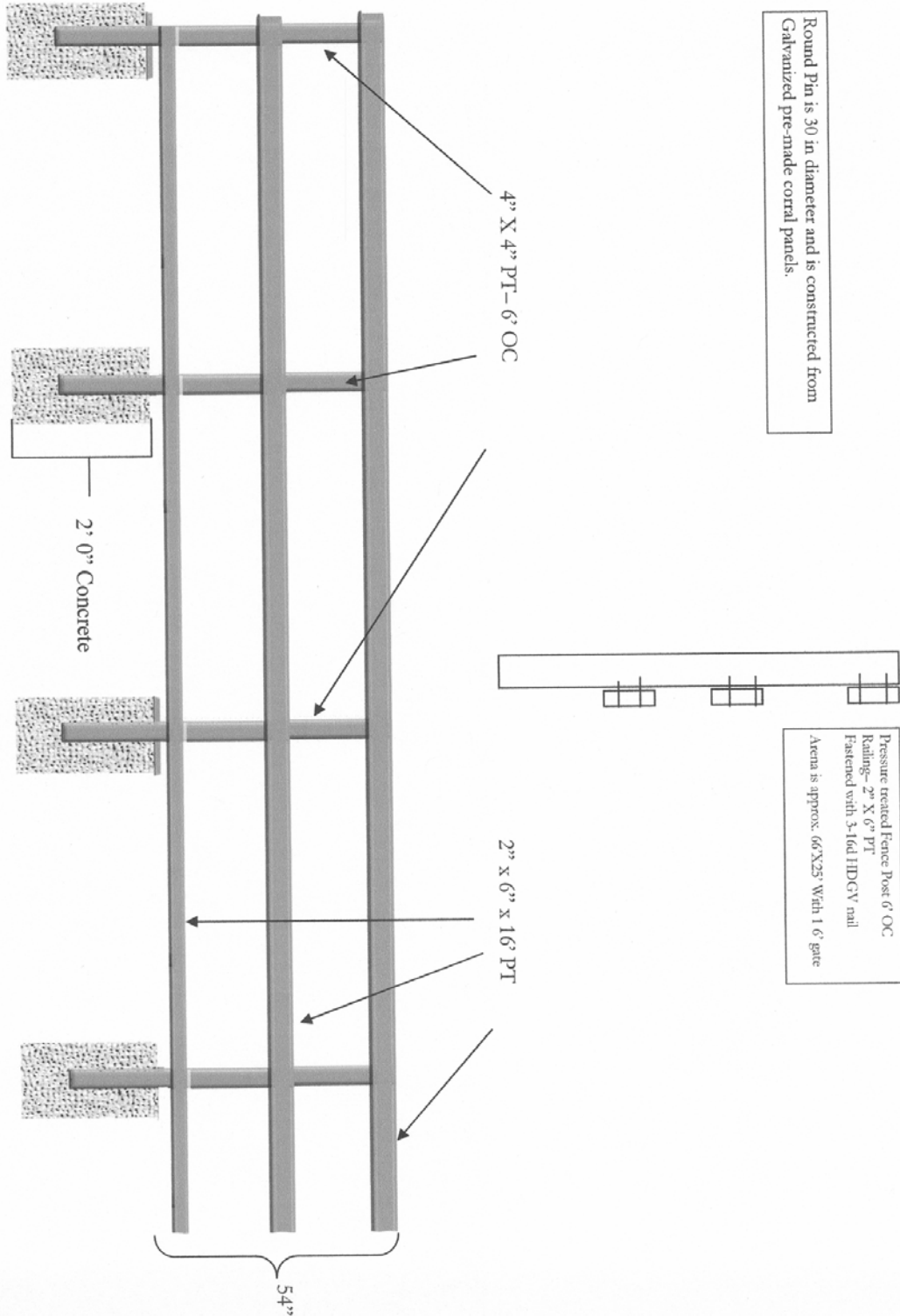
Property address:  
5235 S. W. 82 Avenue  
Davie, FL 33328

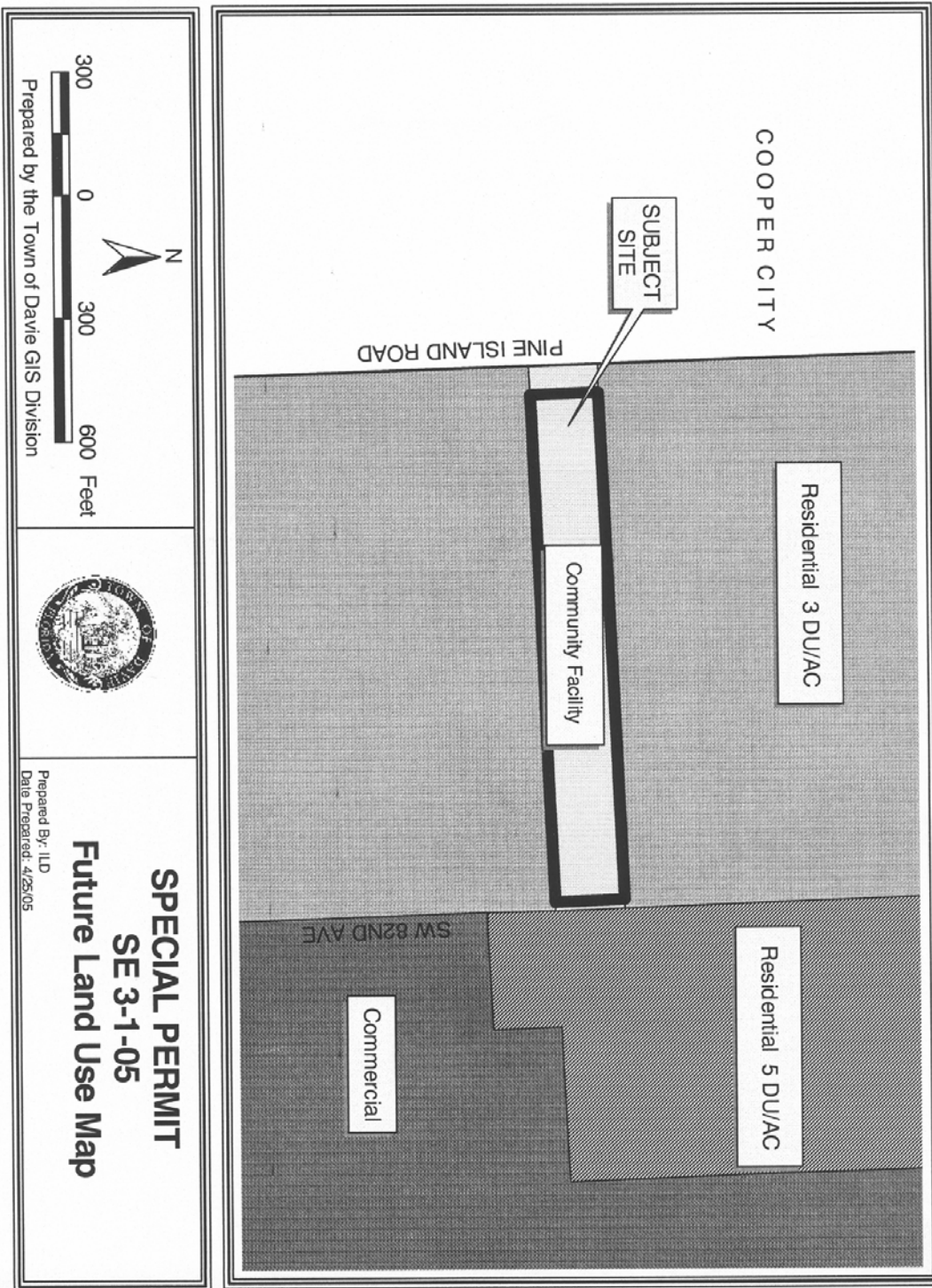






Round Pin is 30 in diameter and is constructed from Galvanized pre-made corral panels.







Date Flown:  
12/31/03



Prepared by the Town of Davie GIS Division



# **SPECIAL PERMIT** **SE 3-1-05** **Zoning and Aerial Map**

Prepared By: ILD  
Date Prepared: 4/25/05



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